

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:11CR196
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
ARMANDO RUEDA-GONZALEZ,)	
)	
Defendant.)	

The Court has received the Revised Modified Presentence Investigation Report ("PSR") and the Defendant's objections thereto (Filing No. 28). The government adopted the PSR (Filing No. 27). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to the specific location of his birth as stated in ¶ 50. The objection apparently was not raised earlier to the probation officer, and it does not affect the sentencing guideline calculation. Therefore, the objection is denied.

IT IS ORDERED:

1. The Defendant's objection to ¶ 50 of the PSR is denied;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and
4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 15th day of November, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge